

**Montgomery County Agricultural Advisory Committee
Minutes April 19, 2022**

Attendance: Pete Driscoll, Jane Evans, Doug Lechlinder, Lori Larson, Patrick Jamison, John Brewer, Chuck Schuster, Russ Allnutt, Eleanor Leak, Angie McNally, Amanda Cather

Staff: Jeremy Criss

Guests: Dr. Adam Darkins, Tim McGrath, Jenny Freeman

NOTE: All Agenda Items are **BOLDED** and then followed by the un-bolded minutes.

1. **Call the meeting to order and introductions.** 7:04 pm
2. **Approval of the March 15, 2022, AAC minutes.** Evans/ Larson Approved as Corrected.
3. **Bill 40-21- Individual Water Supply and Sewage Disposal Systems - Amendments (McCartney-Green)**

All Agricultural Groups opposed the Bill 40-21 during the November 30, 2021 Public Hearing. The Transportation and Environment- T&E Committee work session is still pending. The Council is working on the CIP and Operating Budgets through April.

Nothing to report on this item since the last meeting and the OAG continues to monitor the Council agenda for the scheduling of Bill 40-21 with the T&E Committee.

4. **ZTA 21-07 Height and Density Allocations for MPDUs-Affordable Housing-**

As a follow up from Council Member Reimer request to the Office of Legislative Oversight- OLO for a status on the use of both TDRs and BLTs, the OAG met with the staff of the OLO and MNCPPC to begin discussions on the data sets that are kept for TDRs. The OAG responded back to MNCPPC regarding there preliminary findings that only 500 TDRs = 2,500 acres still are retained on properties in the TDR Sending Area. The OAG does not support his finding. The OAG found properties totaling 8,000 acres that are NOT encumbered by TDR easements. This figure does not include the properties that still have retained TDRs even though they are encumbered by TDR easements.

Jeremy reported that OAG will be conducting another meeting with representatives from the OLO, MNCPPC on May 3, 2022. The MNCPPC agreed on the properties in the Agricultural Reserve that have no encumbrance recorded meaning that all the 1,602 TDRs are still retained with these properties. Patrick Jamison asked why MNCPPC estimates are so low. Tim McGrath responded that MNCPPC has a counting of TDRs that have been serialized and severed from the properties. The MNCPPC has always underestimated the remaining TDR capacity in the Sending Area and the OAG has been advocating for the theoretical maximum number of TDRs based on the total number of properties and acres encumbered by TDR easements. Casey Anderson, Chair of MNCPPC attended the April 4, 2022, Montgomery Agricultural Producers-

MAP meeting and when the MAP members asked about the TDR program, Casey stood up and said that they needed to leave. Doug Lechliden said that it has been very helpful to have the League of Women Voters interested in the future of the TDR program.

5. **Final Reading of Bill 16-21-Environmental Sustainability- Building Energy Use Benchmarking and Performance Standards-April 19, 2022**

There have been three T&E Committee work sessions on Bill 16-21. The T&E Committee did not recommend agricultural buildings be exempt from this Bill 16-21. The T&E Committee stated that they would like all buildings 25,000 square feet and larger including churches to be covered by this Bill 16-21. Please see the attached third letter from the AAC to the County Council recommending that Bill 16-21 be amended, and Montgomery County should follow the lead of Washington State and exempt all existing and new agricultural buildings.

Jeremy said that the County Council conducted the final reading of Bill 16-21 earlier today and there is no exemption for agricultural buildings. There was no discussion of any amendments to the Bill 16-21, notwithstanding all the agricultural groups advocating for an exemption for both existing and future agricultural buildings as part of the public hearing. Jane Evans asked if there was any grandfather language for existing agricultural buildings and Jeremy responded no. Jane asked what farmers will need to do and Jeremy said that anyone with an agricultural building greater than 25,000 square feet in size may be contacted by DEP to discuss all the sources of energy that are being used associated with the building. Lori Larson said that all lights inside the agricultural building may need to be upgraded to LED energy lighting. Lori Larson said that farmers with buildings greater than 25,000 square feet in size will need to remit a \$400 fee and required paperwork showing all the sources of energy used inside of these agricultural buildings, however there are no existing benchmarks currently in place and DEP will need to figure this out the benchmarking etc. Doug Lechliden said that DEP is not worried about charging farmers fees or requiring additional paperwork.

6. **Rustic Roads Master Plan Update-**

The OAG is developing a power point presentation titled The Rustic Roads Through the Eyes of the Farmer that will feature pictures of Rustic Roads along with testimonials from farmers regarding their views of the Rustic Roads program and MCDOT maintenance and improvements. There are about 10 farmers that have responded so far. The APAB has prepared a very informative letter outlining the concerns the Board has with the Rustic Roads. The OAG remitted comments to the MNCPPC staff on the Planning Board Briefing document that contains recommends minimizing drainage ditches along the Rustic Roads and it provides recommendations and guidelines for foliage and tree maintenance along Rustic Roads.

<https://montgomeryplanning.org/wp-content/uploads/2016/11/RusticRoadsFunctionalMasterPlan1996ocr300.pdf>

<https://montgomeryplanning.org/planning/transportation/highway-planning/rustic-roads/rustic-roads-master-plans/>

Jeremy said the Planning Board will be briefed on the Rustic Roads Master Plan Update-RRMOU on Thursday April 21, 2022, and the document remitted by the Office of Agriculture-OAG as comments and concerns from the agricultural community will hopefully be included. Jeremy provided to the MNCCPC staff representatives assigned to this RRMPU the dates and times of all the agricultural groups so they can schedule time for staff briefings etc. The OAG is developing a power point presentation called Rustic Roads through the eyes of the farmer and we continue to receive pictures and testimonials of rustic roads experiences that are being inserted into the presentation. The OAG still needs to make some fine tune adjustments to the presentation that we hope to use it during the County Council discussions.

7. **The County Council Recommendation on the FY23 Ag Land Preservation CIP**

On March 29, 2022, The County Council recommended an increase of \$500K in Current Revenue for FY23 to cover the on-going Planning, Design and Supervision-PDS expenses that are not related to CIP that we have been trying to migrate back to the Operating Budget since 2010. The PHED Committee recommended these PDS expenses should be removed from the CIP in FY24. The OAG has shown the CE and the County Council the amounts of local funding allocated to Ag Land Preservation in Frederick, Howard, Carroll, and Baltimore Counties that range from \$2.0 million to \$5.5 million per year.

Jeremy said he was encouraged by the County Council recommendation to finally do something about the unrelated Planning Design and Supervision-PDS expenses being charged to the Ag Land Preservation CIP project for over ten years. These non-related PDS expenses include- Montgomery Weed Control-\$15K, Deer Donation-\$25K, One FTE assigned to the UM-Extension-\$89K, and the UM-Extension State Partnership Payment-\$70K. Jeremy said that other executive agencies have experienced increases in their budgets since the great recession, the OAG has been left behind until the FY23 Budget.

8. **National Agricultural Day and County Council Proclamation-**

Council members Rice, Navarro, and Friedson sponsored a Proclamation for National Agricultural Day on March 22, 2022, at the beginning of the County Council Work Session. Leaders of the agricultural groups were invited along with the farmers that participate with the Farm to Food Bank Program.

The County Council recognized the agricultural community for their contributions during the National Agriculture Day celebration and Proclamation. Jeremy said that anytime we can show case the agricultural community in front of the County Council including the good work that farmers are doing, helps to demonstrate the importance of farming in the County and the Agricultural Reserve.

9. **County Executive FY 23 Operating Budget Recommendations March 15, 2022.**

The OAG proposed a new Business Development Specialist – The BDS position will reinstate the BDS position that Kristin Fisher once held and prior to 2010.

Jeremy said that OAG has developed a new position description form for this BDS position that includes all the new duties and responsibilities the position will be doing. The BDS position will be funded from the General Fund.

The MSCD proposed a new Engineering Position-Technical assistance on small ponds etc.

Jeremy said the OAG and the Montgomery Soil Conservation District-MSCD has developed a new position description form for this Engineering position that includes all the new duties and responsibilities the position will be doing. This Engineering position will be funded from the Water Quality Protection Charge.

County Staff updates-Cathy Yingling UM-Extension resigned March 31, 2022
Alga Piechocinski-UM Extension-4H retiring April 30, 2022
Linda Walters-UM Extension-Master Gardeners retiring July 2022
Rick Walter, UM-Extension Director retiring October 2022

Chuck Schuster said that Santana Mays-4H program staff has accepted a new 4H position in Baltimore County where Santana is from and continues to live.

10. **Next Meeting of the Agricultural Advisory Committee- May 17, 2022**

Doug Lechliden asked if there was anything further for the good of the group and if not, he asked for a motion to adjourn. Driscoll / Leak 8:14 pm.

Upcoming Meetings and Events:

Agricultural Preservation Advisory Board-April 19, 2022
Agricultural Advisory Committee-April 19, 2022
PHED Committee-OAG FY23 Operating Budget-April 25, 2022
Poolesville Crossvines Groundbreaking-April 28, 2022
CE update with MAP, MCFB, OAG-April 28, 2022
Montgomery County Farm Bureau Board of Directors- May 3, 2022
Western MD Trucking Forum-SHA-May 10, 2022
Montgomery Soil Conservation District-May 13, 2022
Agricultural Advisory Committee-May 17, 2022